

12-08-03

Docket No: AM100893
Patent

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of: Scott C. Mayer, et al.
Application No.: 10/656,981 Group Art No.:
Filed: September 5, 2002 Examiner:
For: SUBSTITUTED NAPHTHOIC ACID DERIVATIVES USEFUL IN THE
TREATMENT OF INSULIN RESISTANCE AND HYPERGLYCEMIA
Confirmation No.: 9501
Customer Number: 25291

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT1. Preliminary Statements

In accordance with 37 CFR 1.97 and 1.98, Applicants submit herewith patents, publications, or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56. This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) the information is material to the examination of this application; (iii) additional information material to the examination of this application does not exist; (iv) the information, protocols, results and the like reported by third parties are accurate or enabling; or (v) the information constitutes prior art to the subject invention.

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I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EU947815507US addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

December 4, 2003
Date

Bubinea D. Owens
Bubinea D. Owens

2. Identification of Time of Filing

This Information Disclosure Statement

- a. ☒ is filed within three months of the filing date of the application.
- b. ☐ is filed before the mailing date of a first Office Action on the merits.
- c. ☐ is filed before the mailing date of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.
- d. ☐ is filed after the period specified in 2(a), 2(b) or 2(c) above, but before the mailing date of a final action under 37 CFR 1.311. This statement includes a certification under 37 CFR 1.97(e) or the fee set forth in 37 CFR 1.17(p).
- e. ☐ is filed after the mailing date of a final action or Notice of Allowance but before payment of the issue fee. This statement includes (i) a certification under 37 CFR 1.97(e), and (ii) the fee set forth in 37 CFR 1.17(p).

3. ☐ Certification under 37 CFR 1.97(e) and 1.704(d)
The undersigned attorney certifies

- a. ☐ that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement, or
- b. ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the statement.
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- ☒ Newly Cited Information
A legible copy of the patents, publications or other information cited on the attached form PTO 1449 is enclosed, except that if this patent application was filed or entered the national stage after June 30, 2003, no copy of a U.S. patent or U.S. patent application publication is enclosed.

- ☐ Previously Cited Information
No copy of the patents, publications or other information cited on the attached form PTO-1449 is enclosed because it has been previously cited by or submitted to the Office in a prior application which is relied upon for an earlier filing date under 35 USC 120.
Prior application is Application Number _____, filed on _____ of _____ for _____

- ☒ Concise Explanation
Documents cited above which are not in the English Language
- a. ☐ have been explained in the specification.
- b. ☒ have an abstract (or other concise explanation) in English enclosed or if readily available a translation into English of the document is enclosed.

Form PTO-1449 is enclosed in duplicate.

- ☐ Fees
- ☐ Fee for filing under 37 CFR 1.97(c) or (d) Fee: \$180.00

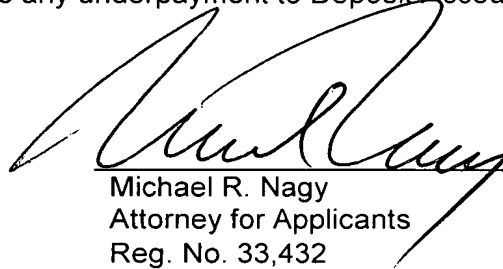
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Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	10/656,981
				Filing Date	September 5, 2003
				First Named Inventor	Scott C. Mayer
				Group Art Unit	
				Examiner Name	
Sheet	1	of	1	Attorney Docket Number	AM100893

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number (If known)	Kind Code (If Known)			
	1.	6,211,244	B1		04-03-2001	
	2.	6,031,003			02-29-2000	
	3.	6,001,884			12-14-1999	
	4.	6,143,789			11-07-2000	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	Number	Kind Code (If Known)				
	5.	JP	2000-178243			06-27-2000		<input checked="" type="checkbox"/>
	6.	WO	00/21920			04-20-2000		<input type="checkbox"/>
	7.	WO	95/11221			04-27-1995		<input type="checkbox"/>

OTHER PRIOR ART — NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.			T
	8.	REAVEN, et al., "Nonketotic Diabetes Mellitus: Insulin Deficiency or Insulin Resistance?", American Journal of Medicine, (Jan 1976), Vol. 60, pp 80-88			<input type="checkbox"/>
	9.	STOUT, Metabolism: Clinical & Experimental, (Dec. 1985), 34 (12 Suppl 1): 7-12, (Abstract)			<input type="checkbox"/>
	10.	PYORALA, et al., Diabetes/Metabolism Reviews, "Diabetes and Atherosclerosis: An Epidemiologic View", (1987), Vol. 3, pp 463-524			<input type="checkbox"/>
	11.	JARRETT, R. J., et al Diabetes/Metabolism Review, "Cardiovascular Disease and Hypertension in Diabetes Mellitus", (1989), Vol. 5, No 7, 547-558			<input type="checkbox"/>
	12.	HARRIS, et al., Diabetes in America, "Mortality From Diabetes", Chapter 29, pp 1-48, (1985)			<input type="checkbox"/>
	13.	DEFRONZO and FERRANNINI, Diabetes Care, "Insulin resistance.", (March 1991), 14, 173-194 (Abstract)			<input type="checkbox"/>
	14.	HARING, Diabetologia, "The insulin receptor: signalling mechanism and contribution to the pathogenesis of insulin resistance", (1991), 34, 848-861 (Abstract)			<input type="checkbox"/>
	15.	B.J. GOLDSTEIN, J. Cellular Biochemistry, "Protein-tyrosine phosphatases and the regulation of insulin action", (1992), 48, 33 (Abstract)			<input type="checkbox"/>
	16.	B.J. GOLDSTEIN, Receptor, "Reg. of insulin receptor signaling by protein-tyrosine dephosphorylation", (1993), 3, 1-15 (Abstract)			<input type="checkbox"/>
	17.	F. AHMAD and B.J. GOLDSTEIN Biochim. Biophys Acta, "Purification, identification and subcellular distribution of three predominant protein-tyrosine phosphatase enzymes in skeletal muscle tissue", (1995), 1248, 57-69 (Abstract)			<input type="checkbox"/>
	18.	McGUIRE, et al., Diabetes, "Abnormal Regulation of Protein Tyrosine Phosphatase Activities in Skeletal Muscle of Insulin-Resistant Humans", (1991), Vol. 40, 939-942			<input type="checkbox"/>
	19.	MEYEROVITCH, et al., J. Clinical Invest., "Hepatic phosphotyrosine phosphatase activity and its alterations in diabetic rats", (1989), Vol. 84, 976-983 (Abstract)			<input type="checkbox"/>
	20.	SREDY, et al Metabolism: Clinical & Experimental, "Insulin resistance is associated with abnormal dephosphorylation of a synthetic phosphopeptide corresponding to the major autophosphorylation sites of the insulin receptor", 44, 1074-1081 1995 (Abstract)			<input type="checkbox"/>

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.